IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6368 OF 2006

Shri Prabhakar Raghunath Kamerkar, .. Petitioner

Vs

Shri Bhaskar Dattatraya Kamerkar
and ors. .. Respondents

Mr Ashwin Shetye i/b Mr S.B. Shetye, for the petitioner.

CORAM : D.B.BHOSALE,J.
DATE : 25.09.2006
PC:

1. Heard the learned counsel for the petitioner.

2. By this writ petition, the petitioner has impugned the order by which the respondent-plaintiff's application under Order 6 Rule 17 of CPC has been allowed. Admittedly, the plaintiff has already carried out the amendment as per the said order. I perused the order as also the application seeking amendment. Insofar as the amendment as to the valuation of the suit is concerned, Mr Shetye, learned counsel for the petitioner, fairly stated that he has instructions not to challenge that part of the order. However, he opposed the rest of the amendment stating that the said amendment changes the basic structure of the suit. I perused the amendment sought. A bare perusal of the

amendment shows that it would not change the nature of the suit and it would not cause any prejudice to the petitioners-defendants. They can certainly file their written statement if they so desire. Moreover, the suit is still at the stage of Issues only. Keeping the overall facts and circumstances of the case in view, in my opinion, the order does not suffer from any infirmity warranting interference of this court under Article 227 of the Constitution of India. The writ petition is dismissed.

. It is open for the petitioners to file their additional written statement, if they so desire, within four weeks from today. Hearing of the suit is expedited.

(D.B.BHOSALE,J.)